

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: :
UNITED STATES OF AMERICA, : Docket #13cr268
: 1:13-cr-00268-JMF
Plaintiff, :
- against - :
ALIMZHAN TOKHTAKHOUNOV, ANATOLY :
GOLUBCHIK, et al., : New York, New York
: April 24, 2013
Defendants.
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PROCEEDINGS BEFORE
THE HONORABLE DEBRA FREEMAN,
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

APPEARANCES:

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E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
None				

1 THE CLERK: United States v. Anatoly Golubchik.
2 Counsel, state your name for the record.

3 MR. JOSHUA NAFTALIS: Good morning, Your Honor,
4 Joshua Naftalis for the Government. With me is Special
5 Agent Robert (inaudible) from the FBI.

6 MR. JEFFREY LICHTMAN: Good morning, Your Honor,
7 Jeffrey Lichtman and Jeffrey Einhorn for the defendant.

8 MR. JEFFREY EINHORN: Good morning, Your Honor.

9 THE COURT: Good morning. Just give me a moment
10 to take a look at the Pre-Trial Services service because I
11 just, I'm getting it now. So give me a sec.

12 (pause in proceeding)

13 THE COURT: It's a lengthy indictment. Tell me
14 which counts this defendant is charged in and what he's
15 charged with.

16 MR. NAFTALIS: Yes, Your Honor. The defendant is
17 charged in count 1 which is the RICO conspiracy, the RICO
18 (inaudible) count is count 2, and money laundering
19 conspiracy count which is count 5 I believe. 7.

20 THE COURT: I'm just flipping through. I see his
21 name elsewhere as well - 18 - all right, well, I gather this
22 is here for a bail hearing --

23 MR. NAFTALIS: Yes, Your Honor, Judge Furman has
24 referred it in the first instance to Your Honor.

25 THE COURT: Has he been presented?

1 MR. NAFTALIS: Defendant was arrested last
2 Tuesday. At the presentment, his counsel who was, just for
3 that appearance, consented to detention. And then is the
4 first argument that (inaudible).

5 THE COURT: Okay, so he doesn't need presentment.
6 It's just for a bail hearing.

7 MR. NAFTALIS: No, he's been arraigned as well.

8 THE COURT: Okay. All right, so tell me a little
9 bit about - I gather there's going to be an argument here,
10 so tell me a little bit from the Government's side as to why
11 you think detention is the right way to go.

12 MR. NAFTALIS: Yes, Your Honor, as I mentioned,
13 the defendant was arrested last Tuesday. He is part of a
14 34-defendant indictment. He is at the very top of this
15 indictment. It's a RICO, RICO conspiracy, money laundering,
16 illegal gambling, extortion charges against the defendant.

17 The defendant is charged - the two people above
18 the defendant are a man named Taiwanchik who is a fugitive
19 in Russia, and Adine Trincher. Adine Trincher, Mr.
20 Taiwanchik, and Mr. Golubchik ran a RICO enterprise. Last
21 Tuesday Mr. Trincher made a bail application, and Judge
22 Francis ordered him detained. Respectfully, (inaudible) did
23 not make an application there; the writing was on the wall.
24 Mr. Golubchik is in the exact same position as Mr. Trincher.
25 They are charged with the same crimes.

1 They are two of the three of this massive RICO
2 enterprise which was an international gambling operation,
3 and the exact same facts apply to each defendant, and I'll
4 go through all of them. But we believe that he should be
5 detained as well.

6 THE COURT: You're arguing on flight grounds?

7 MR. NAFTALIS: Flight and dangerousness.

8 THE COURT: Okay.

9 MR. NAFTALIS: So I'll give you a general
10 background of the case because I know this is your first
11 exposure to it.

12 There are two RICO conspiracy charges. One is
13 called the Taiwanchik-Trincher organization and then there's
14 another organization. The Taiwanchik-Trincher organization
15 is an international gambling organization. They were
16 running a huge, large-scale sports book illegally. Their
17 clients were multi-millionaires and billionaires, oligarchs
18 in Russia. The money was then laundered --

19 THE COURT: I'm sorry, I just heard Russia.

20 MR. NAFTALIS: Oligarchs in Moscow, in Russia.
21 The money was laundered through cyclers into the U.S. We've
22 traced at least \$40 to \$50 million alone just through this
23 organization that Mr. Golubchik is affiliated with. There
24 are also extortion charges related to this and then illegal
25 gambling charges.

1 So let me address, first, dangerousness to the
2 community. As I mentioned, extortion charge. Mr. - his
3 nickname is Taiwanchik, is what's referred to as a vor.
4 This is the top of the top of the top of organized crime in
5 Russia. He is known to be a criminal. He openly operates -
6 he provides protection to people. He affiliates with the
7 highest levels of Russian government.

8 MR. LICHTMAN: Excuse me, Judge, we're talking
9 about not this defendant, but the top defendant in the case,
10 Your Honor.

11 MR. NAFTALIS: Yes, the coconspirator with Mr.
12 Golubchik.

13 MR. LICHTMAN: Sorry.

14 MR. NAFTALIS: Just to be clear, there are
15 massive amounts of wiretaps, email intercepts. The
16 defendant is in continual contact with Mr. Tokhtakhounov,
17 Taiwanchik, which is why I mention him. He is able to extort
18 money, payment through the fear of force and use of force.

19 THE COURT: When you say he, could you keep me
20 clear as to who you're talking about.

21 MR. NAFTALIS: Okay, Mr. Tokhtakhounov who is the
22 top name on the indictment.

23 THE COURT: All right, so you talk about that
24 person, then when you shift and you start talking about this
25 defendant, then you'll let me know.

1 MR. NAFTALIS: I will, yes.

2 THE COURT: Okay.

3 MR. NAFTALIS: Mr. Golubchik, Mr. Tokhtakhounov,
4 and Mr. Trincher are the three leaders of this RICO
5 conspiracy. They're all charged with extortion, money
6 laundering, RICO, illegal gambling.

7 THE COURT: And all I'm saying is you're talking
8 about one, I'll give you leave to be saying he this, he that,
9 he the other thing, as long as I know you're still talking
10 about that person.

11 MR. NAFTALIS: Yes, Your Honor.

12 THE COURT: Then if you shift gears and you're
13 talking about someone else and saying he, make sure I get it.

14 MR. NAFTALIS: I will, Your Honor.

15 THE COURT: Okay.

16 MR. NAFTALIS: The defendants are charged with
17 extortion. Part of the extortion relates to working with Mr.
18 Tokhtakhounov to extort money in fear of force and use of
19 force. As Your Honor is aware, the Second Circuit has made
20 clear that being a leader of a criminal enterprise satisfies
21 the dangerousness prong as well.

22 As I mentioned, the defendant is caught on numerous
23 intercepts with Mr. Tokhtakhounov, including discussions about
24 extorting money through the threat of force. We believe
25 that's dangerousness. This is an international conspiracy

1 that uses fear from this very high level person to get people
2 to pay.

3 With respect to risk of flight, the defendant
4 himself has set forth in the Pre-Trial Services report has
5 extensive connections to the Ukraine, Russia, France, and
6 Israel. He's a dual citizen I believe of Israel and the
7 United States. If he were bailed, we believe he would run.

8 He has close connections, as I mentioned to Mr.
9 Tokhtakhounov who is a man of immense wealth and power in the
10 former Soviet Union who can easily help him hide. Mr.
11 Tokhtakhounov has been under indictment publicly since 2002
12 and living freely. He is also an Israeli citizen, meaning Mr.
13 Golubchik, and Mr. Golubchik owns property in France. He was
14 arrested soon after coming back from a long international trip
15 from France and Israel, and he spends substantial amounts of
16 time, for example, in Monaco as well.

17 We believe that if he is bailed, he will leave and
18 go, use the protections and money afforded to him by the other
19 members of this conspiracy to leave the United States.

20 As I mentioned, this is a large-scale money
21 laundering operation. As you can see, just from what he's
22 revealed to the Court, has a large amount of assets. He
23 personally has been involved in laundering tens of millions of
24 dollars from Russia to shell accounts in Cyprus into the
25 United States. We believe that there is money, we've already

1 seized money in Cyprus that belonged to this organization, and
2 there is much more over there we believe.

3 His access to funds is so great that, for example,
4 he and Mr. Trincher provided payment to Mr. Tokhtakhounov, the
5 vor, of \$10 to \$12 million in a few-month period simply for
6 Mr. Tokhtakhounov providing his services which are effectively
7 to extort payments from people.

8 The defendant lists as his employment on the Pre-
9 Trial Services report Haggert Realty. This company is a
10 complete fraud. It is used to launder money. It is the shell
11 company where the money that is laundered lands in the United
12 States. As I mentioned, the money starts in Russia. They
13 move it here for safekeeping we believe. It goes through
14 shell accounts in Cyprus. Sometimes it goes directly to Mr.
15 Golubchik, sometimes it goes into Haggert Realty, and that
16 money is washed through this real estate company so it comes
17 out, for example, as rental (inaudible). It used to be
18 illegal gambling money. It now comes out as rental payments,
19 hedge fund dividends, for example.

20 Another example to access to cash overseas, during
21 our investigation we've learned of Mr. Golubchik being
22 involved in picking up cash in Kiev. This is an international
23 organization with close ties overseas and large amounts of
24 money at his disposal.

25 As Your Honor noted, he's charged in many counts.

1 He faces up to 90 years of prison. We have unbelievably
2 strong evidence again the defendant. As I mentioned, there
3 are Title III wiretaps, there are search warrants of email
4 accounts, massive bank record discovery; over 360 bank
5 accounts we've been through. We believe that we have more
6 than a solid case against the defendant.

7 Finally, and this relates to both the money
8 laundering and risk of flight. The defendant has an ownership
9 interest in two companies, one called Skyway, one called
10 Monarch. These are airplane companies. They have a
11 legitimate purpose in that they are airline companies. They
12 were also used to wash money in the United States.

13 Owning an airplane company allows you obviously to
14 leave quite easily. The airplane company not only was used
15 for laundering money; in 2011 Miami customs discovered 16
16 kilos of cocaine on one of these planes. We do not believe
17 this business is legitimate. Realistically it is used to
18 launder money and it provides him the opportunity to flee.

19 And, finally, just in terms of - to come back to
20 where the defendant's codefendant Mr. Trincher stands, he was
21 detained on these exact same arguments by Judge Francis. We
22 see no reason why he should be treated differently, and we're
23 obviously happy to answer any questions about the facts. I
24 know this is all coming to you. Poor Judge Francis had the
25 privilege of presenting 20 defendants, he got pretty familiar

1 with these facts.

2 THE COURT: When you say the facts are identical to
3 the facts on which basis someone else was detained, I'm
4 assuming different people have different kinds of ties to
5 different countries. You're saying the other person who was
6 detained was very similarly situated?

7 MR. NAFTALIS: Yes, foreign ties, ability to access
8 funds overseas. He has ties to the Ukraine, Russia as well.
9 He has access to millions of dollars as well. He is equally
10 in contact with Mr. Tokhtakhounov. He is also charged with
11 extortion. He faces the same amount of jail time, 90 years.
12 They are charged in identical accounts in the indictment. And
13 they, as alleged in the indictment, are the two of the three,
14 meaning Mr. Trincher and Mr. Golubchik are two of the three
15 leaders of this RICO conspiracy. Thank you, Your Honor.

16 THE COURT: Counsel.

17 MR. LICHTMAN: Good morning, Your Honor. First of
18 all, as the prosecutor said, comparing Trincher to the
19 defendant, obviously the circumstances should not be identical
20 because there are factors in 3142(g) that specifically relate
21 to each individual. So, yes, they're charged in some of the
22 same crimes; they're not charged in the exact same crimes in
23 the indictment to begin with.

24 Also, what the prosecutor didn't mention is that Mr.
25 Trincher, when he made his bail application, from what I

1 understand, did not put forth a package, did not put forth a
2 package that was arguing these issues and did not set forth a
3 package. The law is clear, it's their burden on both
4 dangerousness and with regard to flight, and it's got to be,
5 at least in terms of dangerousness, where there's clear and
6 convincing evidence that there are no conditions or
7 combination of conditions which will reasonably ensure the
8 safety of the community. When you don't put forth a package
9 of conditions, it's a little difficult for a judge to be able
10 to make such a determination.

11 So to compare the two and say that they're identical
12 and say that there's some sort of precedent that was set in
13 that last bail hearing makes no sense based on 3142(g); it
14 makes no sense based on the fact that there are different
15 charges in the indictment with each one; and the fact that
16 there was no attempt even made to discuss a bail package which
17 would ensure both the appearance and the safety of the
18 community. That's the first thing.

19 Clearly, the Bail Reform Act says that bail should
20 be granted except in most extraordinary circumstances. Only a
21 small number of people should not be getting bail. Let me
22 start with flight, if I can, Your Honor. Let me just also, if
23 I can, talk about the package that we're willing to put up.
24 You should also note that this man has no criminal record. He
25 has no family abroad. He's an American citizen for 15 years,

1 lives in this community with his wife who's here, two
2 children, one is an eight-year-old daughter.

3 In addition, the homes that we're willing to put up,
4 we're asking for a \$3 million bond, Your Honor, secured by two
5 properties. One is the family home which houses his son, his
6 eight-year-old daughter, and his wife. The other home is in
7 Brooklyn and houses his mother-in-law. In addition, we have
8 four financially responsible cosigners. One is a doctor, one
9 is an NYU project manager, an accountant. We have people that
10 are willing to put their lifesavings on the line for this
11 defendant.

12 In addition, we are offering home confinement with
13 electronic monitoring. These are all things that were not
14 discussed in Mr. Trincher's bail application. So I would
15 submit on its face at least there's quite the difference.

16 Now, if we can talk about the flight risk argument.
17 This is not Bernie Madoff or Mark Dreier. You heard the
18 prosecutor, with all respect, struggling to distinguish
19 between the top of the indictment, a man who's been under
20 indictment since 2002, and the defendant. The fact is they
21 are completely different people. This is not a Dreier or a
22 Madoff who had exponentially the amount of money at their
23 fingertips than this defendant is alleged to have. This isn't
24 someone who's been accused of engaging in fraud like those
25 two, who has a track history of lying. We haven't heard

1 anything about any fraud. We also haven't heard anything
2 about fabricating any documents or fabricating any
3 identifications. Or when he was arrested, there weren't
4 multiple passports in different names with his picture on it.
5 None of the indicia of someone who is willing to fly.

6 Instead, we've got someone who's got family, a long
7 history in the community, and an eight-year-old daughter, Your
8 Honor. With no family abroad, again. This is not someone who
9 has shown any ability or propensity to fool people at a very
10 high level the way a Madoff and Mark Dreier have, who has a
11 history of lying to the SEC or other governmental agencies.

12 Now, Madoff and Mark Dreier were ultimately
13 determined to not be flight risks to the point that there were
14 conditions that could guarantee their safety, and sure enough
15 that did occur, despite their massive international travel,
16 homes, and assets in other countries.

17 Now, as noted before, the Government has to show
18 that the defendant poses an actual risk of flight, an actual
19 risk of flight. But based on what? He's Russian. He's got
20 connections with somebody, a shadowy person on top of the
21 indictment who's been a fugitive, been under indictment since
22 2002. He travels a lot, has international resources. But
23 they can show you nothing that shows he's an actual flight
24 risk. What can they point to? Can they point to the
25 identifications? Can they point to lying to the government?

1 Can they point to anything like that? Can they point to the
2 fact that he ever lied to a court or didn't show up when he
3 was supposed to? No, because he's never even been arrested,
4 Your Honor.

5 And, in addition, with regard to the fact that he's
6 an Israeli citizen as well, dual citizen, he volunteered his
7 passports when he was arrested. He gave them up. They have
8 them right there.

9 Now, even if the Government could show that he poses
10 an actual flight risk, they have to then show that there are
11 no conditions, no conditions or a combination that would
12 reasonably, reasonably assure his presence in court. Well,
13 what about house arrest with electronic monitoring? Does that
14 just get discounted? We don't even discuss it? We just go
15 right from A to Z and remand? Putting up his home where his
16 family and his young child live and where his mother-in-law
17 live? And what about the cosigners on the bond? We just
18 discount them? That's moral suasion, Your Honor, that keeps
19 the man in the country, in addition with the electronic
20 monitoring. And, Your Honor, we're willing to agree to a GPS
21 monitoring as well, not just the regular ankle bracelet.
22 We're willing to agree to GPS as well.

23 Now, if I can, Your Honor, I'm going to compare a
24 couple of cases recently in the Southern District of New York
25 for precedential value which I believe actually has at least

1 as much relevance to someone who didn't even put forth a bail
2 package previously.

3 Chan Min Fang was charged at the end of January in
4 this courthouse and appeared for bail in this courtroom. He
5 was charged with involvement of \$1.7 billion accounting fraud
6 in the Southern District, as I said. Judge Swain granted him
7 bail even though he was, A, a citizen of Taiwan, B, lived in
8 Singapore, and made \$10 million in the scheme and had that
9 kind of money.

10 Mr. Golubchik, on the other hand, has been an
11 American citizen for 17 years, lives in Jersey, as repeatedly
12 noted, with his wife and two children, one being the eight-
13 year-old daughter, and has no family abroad, and is not
14 charged with lying or any other fraud. And the lying and the
15 fraud I think is important because it goes to trustworthiness
16 to respect the government and to respect the Court's order.

17 In addition, we have a Varujan Amroyan. Judge Fox
18 granted him bail. He was an Armenian citizen who was a member
19 of a violent organized crime enterprise which used quote, and
20 I'm taking from their press release, "violence and threats of
21 violence to ensure respect for and payments to its
22 leadership." There was a RICO charge in that case which
23 included \$100 million Medicare fraud as one of the charges.

24 Members of the conspiracy were alleged to have
25 threatened to "disembowel a criminal associate who owed

1 money." There were also discussions of killing an associate
2 who failed to show the proper respect. As for this Amroyan,
3 besides not being an American citizen, he had a massive
4 criminal record, unlike this defendant.

5 First, he committed the offense while he was on
6 probation on another conviction, which showed a lack of
7 respect obviously to court orders, Your Honor. He was
8 convicted of making a false statement on a currency
9 transaction report and served time in jail. Again, lying.
10 Don't have that here.

11 He was also convicted of lying on his tax returns.
12 We don't have that here either. Fraudulent credit cards, we
13 don't have that either. All of these crimes obviously show
14 dishonesty. In addition, you have the fact that he had no
15 respect for a court's order.

16 He used aliases in connection with the crimes he
17 committed and was found in possession upon his arrest of
18 identification documents with his pictures on them but with
19 other names. And he was arrested with fake credit cards.
20 That's an actual flight risk because you're seeing someone who
21 has clearly made attempts to be ready to run. We have none of
22 that here. None of that here. Zero, nothing. Nothing.

23 Now, you look at the difference in the case before
24 you, as I said, he's an American citizen. There's no
25 allegations of fraud. This, in essence, is a gambling case.

1 This is a gambling case with a charge, a couple of charges of
2 extortion of which he's charged in one extortion conspiracy.
3 And I'm not going to get to dangerousness just yet, or maybe I
4 will a little bit.

5 There are actually specific extortions in this case
6 - client 1, client 2, client 3. He's not charged with
7 involvement. I believe the Trichner, the other fellow with
8 the identical charges, except that they're not, was actually
9 charged with one. He's not charged with any specific
10 extortion.

11 Basically, what the claim is this, Your Honor, he's
12 part of this massive criminal organization that used fear to
13 get people to pay the debts from gambling. Well, if he's
14 released, who's betting? What evidence has there been shown
15 that this organization obstructs justice or that hurts people
16 for any other reason other than attempting to get paid? Are
17 there any allegations of guns being used and anybody being
18 hurt, of weapons being brandished? No, just a lot of smoke
19 and mirrors. There's something there, I'm not discounting it,
20 but it's not to the level that there are no conditions which
21 could possibly assure, reasonably assure the safety of the
22 community and it's not a surprise that Pre-Trial Services came
23 back and recommended bail, Your Honor.

24 Now, as I said, none of the red flags exist in those
25 other cases that I've cited, and the Government has also

1 frozen multiple bank accounts of this defendant. All of his
2 money in America has basically been frozen; over a million
3 dollars has been frozen. Properties have been frozen. So
4 that certainly, in addition, negates his ability to run. It
5 does. It's a fact.

6 Now, with regard to the danger argument, I touched
7 on it a little bit, they have to show by clear and convincing
8 evidence, again, that there's no condition or combination of
9 conditions that would assure the safety of the community.
10 Again, he's one of the heads of a large betting ring, but as I
11 said, no violence has been alleged in the indictment and not
12 against him specifically, and that's important.

13 In addition, there is no allegations of obstruction.
14 You have organized crime after organized crime case, Your
15 Honor, in which defendants are bailed. Tons. I would be here
16 until tomorrow if I gave you a list. I've represented many of
17 them. That is an organization, the mafia, in which violence
18 is part of everything. Obstruction of justice, there is not a
19 single organized crime family in this area that there have not
20 been allegations by a prosecutor in a bail hearing in which
21 they've said they have obstructed justice, they have gone to
22 jurors, they have killed witnesses. There is no allegation
23 about that here, nothing.

24 This is a large-scale, allegedly, betting
25 organization that laundered tens of millions of dollars. You

1 can't compare that to an organized crime family that has as
2 one of its mechanisms getting rid of witnesses, obstructing
3 justice, going to jurors. You can't compare these two
4 organizations; they're simply not the same.

5 Now, if I can, Your Honor, I would bring up the
6 DeFranco case, an organized crime case in January 2013 in
7 which bail was granted to a number of defendants, and, again,
8 there was violence charged, there was RICO charged with
9 respect to the Genovese family in which obstruction of justice
10 has routinely been employed. Not a single mention of that
11 here.

12 So, Your Honor, what I would say, again, the fact
13 that we've got a significant bail package, which is completely
14 different than what the defendant who was denied bail, who
15 will be making another bail application, Judge, this time
16 perhaps with a package to present -- \$3 million bond, secured
17 by the two family homes. All of his relatives in the area
18 live in these two homes. Both of those will be posted.

19 Home confinement with strict electronic monitoring.
20 He can only leave to come to his lawyer. He can wear a GPS,
21 Judge, which would ratchet up the level of detection by the
22 Government not just the bracelet.

23 Four financially responsible cosigners of the bond.
24 They're here. We could probably get more. I could probably
25 have five or six that are here right now. I offered four. If

1 Your Honor thinks it's better, we can have more. All travel
2 documents have already been voluntarily turned over.

3 And I would say to Your Honor this, there was
4 mention about a plane company. The plane is shut down. The
5 Government neglected to mention that. Doesn't exist anymore.
6 The fact that there was cocaine that was found on the plane,
7 was there any allegation that it was to people that had
8 ownership interest in the company? Because if that's the
9 case, every time you have a private plane company and some
10 criminal takes a plane and moves cocaine with it, what, they
11 arrest the person who owns the company? No, it's the person
12 who rents the plane. Where's that charge? It doesn't exist.

13 It sound good on its face, Judge, but when you
14 actually peel it back and you put them to their burden, clear
15 and convincing evidence with regard to danger, that no
16 conditions can reasonably assure the safety of the community,
17 and that by a preponderance of the evidence that there is no
18 reasonable probability that he will show up in court, you
19 know, just does not pass muster when you consider the
20 significance of the package that we have here. Thank you.

21 MR. NAFTALIS: Your Honor, briefly. This is a
22 release hearing case. The defendant faces 90 years of jail.
23 There's money laundering, there's extortion. The defense
24 counsel is just wrong.

25 The defendant is charged in count 1 with

1 racketeering Act 2 with extortion, and count 8 with extortion.

2 The --

3 THE COURT: I'm sorry, what was counsel wrong
4 about?

5 MR. NAFTALIS: He said that there was no - the
6 defendant's not charged with any extortion. I did say --

7 MR. LICHTMAN: I didn't say that. I said a
8 specific victim was not named. There are specific victims
9 named as extortion victims in this case. I said he was
10 charged with extortion conspiracy, which is what he is.

11 MR. NAFTALIS: I don't understand the difference.
12 But, Your Honor, the defendant --

13 THE COURT: Well, I haven't --

14 MR. NAFTALIS: The defendant is charged with
15 extortion.

16 THE COURT: I haven't been through this indictment.
17 I'm new to this case. So tell me this, apart from naming this
18 defendant in conspiracy charges, can you give me some idea of
19 what you have that describes this individual's particular
20 conduct that should sound particular alarms for me regarding
21 his danger to the community? In other words, sometimes I
22 have, well, this person's role was to do this, this was the
23 person who would go with a gun to somebody and put the gun to
24 their heads. You know, this person was the person who would
25 do something else in connection with an overall conspiracy.

1 So if you have particular, any particular proffer to
2 make as you chose about this particular person's role that
3 would make him a particular danger other than being a
4 coconspirator, which I understand he can be in a number of
5 ways, maybe you can expand.

6 MR. NAFTALIS: The answer is, notwithstanding the
7 defense counsel's suggestion that this man is not at the top
8 of the indictment, he is at the top of the indictment. He and
9 the three people at top direct people below. He is, as an
10 example, on the wire, he is caught speaking to Mr.
11 Tokhtakhounov about Mr. Tokhtakhounov saying, you know what,
12 this guy owes us some money. I'm gonna make him give us a car
13 too because he's so afraid of me that they're gonna pay us
14 more, that they will threaten him to pay more than the debt
15 owed, and the two of them are talking about this (inaudible).

16 There are people working below Mr. Golubchik who are
17 the enforcers, the collectors. The suggestion that since
18 you're at the top, you're not danger puts it on its head. If
19 you're the people directing the collection, you're just as
20 dangerous, which is why he is charged with both extortion and
21 conspiracy --

22 THE COURT: Is it your understanding that this
23 defendant was acting from within the confines of his home by
24 phone perhaps or computer to direct conduct of others in other
25 places?

1 MR. NAFTALIS: Yes, Your Honor, he has two to three
2 apartments in the New York area, he worked almost exclusively
3 from there is what we understand. So if you lock him in his
4 house with his computers, he's gonna be in continual contact
5 with anyone. Because he doesn't have a real office; his job
6 is to commit crimes.

7 THE COURT: Is it your understanding he worked by
8 phone?

9 MR. NAFTALIS: He worked by phone and compute and
10 Skype. With respect to the list of precedents that the
11 defense counsel was laying out, this is not a fraud case, he's
12 right; this is an organized crime RICO case. This is not a
13 Dreier case; this is a man who associates and is an associate
14 with a RICO enterprise.

15 I could list a number of people who are bailed by
16 this court. You know does this every day. The person in the
17 exact same or the most similarly situated situation is Mr.
18 Trincher. And there was a bail argument that was hotly
19 contested, and Judge Francis ordered him remanded.

20 In addition, there are no -- what defense counsel
21 points out, there are no indicia of flight. There are indicia
22 of flight. Do I not have a fake ID right now? No, but it's
23 very easy to get. He has lied to Pre-Trial Services. He does
24 not list all his assets, for example, and just as an example,
25 he owns apartments in New York. It's not listed there. There

1 was a search warrant on one of his New York residences. It
2 isn't even here. I withdraw that, it's listed as Haggert
3 which is the shell company that they laundered the money
4 through.

5 I should say there's another company called --

6 THE COURT: I'm sorry, what's listed as what?

7 MR. NAFTALIS: His assets include New York City
8 properties. They're not listed in his financial assets.

9 THE COURT: You're looking at a financial
10 affidavit?

11 MR. NAFTALIS: I'm looking at --

12 THE COURT: Or the Pre-Trial Services report?

13 MR. NAFTALIS: -- page 2 of the Pre-Trial Services
14 report.

15 THE COURT: So when you say something is listed as
16 something, what're you talking about?

17 MR. NAFTALIS: I said he doesn't disclose as asset
18 being his homes in New York. The Agent Hanratty points out
19 that he does list the address as the address of Haggert
20 Realty. The address, as you'll note, for the business is an
21 apartment because he runs this shell company, his money
22 laundering vehicle out of his homes.

23 There's another company which is extensively noted -
24 I know Your Honor is, it's a very long indictment. There's a
25 company called Villanova Properties which is an American-based

1 real estate company that Mr. Golubchik operates with the other
2 lead defendants to launder money. That is another huge
3 vehicle the defendant uses.

4 The suggestion that he's not - that you can create a
5 package to keep him here is made by every single defense
6 lawyer who wants his client bailed. And he did not address a
7 single fact --

8 THE COURT: Well, some are bailed and some are not
9 bailed.

10 MR. NAFTALIS: Some are bailed and some are not.
11 He did not address a single fact related to his client. For
12 example, his relationship overseas with Russia. He simply
13 said people are bailed and you can create bail conditions that
14 keep you home. That argument, while that argument works when
15 there are facts that support it, there are no facts here, Your
16 Honor, respectfully, that make this defendant any different
17 from Mr. Trincher, and the arguments that he is not an insider
18 trader or a ponzi schemer just have no weight here.

19 He is a dangerous man. He is charged with extortion
20 which none of the defendants in the Dreier example obviously
21 were charged with. Those men are at the top of the
22 indictments because they were charged alone I believe. I just
23 don't see anything - it's a clear case in the Government's
24 position for remand. The Government only sought remand in a
25 couple of situations. We were very conservative. Thirty-four

1 people charged, 33 arrested, the one fugitive being Mr.
2 Tokhtakhounov. We sought remand with respect to Mr.
3 Trincher. He was remanded. We sought remand with two
4 others. Both of them are detained until they meet their
5 bail conditions. With respect to 90 percent plus, we --

6 THE COURT: I'm sorry, you sought detention for a
7 few people, two of whom conditions were set, for two of whom
8 conditions were set, but they haven't met the conditions
9 yet, one of whom was remanded?

10 MR. NAFTALIS: One of them was remanded straight
11 out; that's Mr. Trincher. We sought detention with respect
12 to another individual who is in a different part of this
13 conspiracy who was actively involved in the extortion. He
14 is still remanded; his name is Mr. Azen.

15 THE COURT: But conditions were set? You just
16 said that because they haven't met their conditions yet,
17 suggesting conditions were set.

18 MR. NAFTALIS: Yes, I mean that individual is in
19 a different situation. A million dollars' bond, four
20 cosigners --

21 THE COURT: So judges have sometimes agreed with
22 you and sometimes not agreed with you is what it sounds
23 like, on the people you picked to push for detention.

24 MR. NAFTALIS: Yes, I mean candidly yes, but with
25 respect to Mr. Trincher, I did not hear defense counsel make

1 any effort to distinguish (inaudible) other than the fact
2 that they have different names. They're in the exact same
3 counts, except for this (inaudible) 3-1 where they extort an
4 individual which --

5 (interposing)

6 THE COURT: Okay, let me ask a couple of specific
7 questions to each of you. On defendant's side don't know
8 obviously what's true and what's not true, but the
9 allegation is that your client has used his phone and
10 computer and Skype in order to be involved in illegal
11 activity, including directing extortion activities and
12 things of that nature. If he were at a residence on
13 electronic monitoring, what would we do about his access to
14 phone, computer, Skype, and so on?

15 MR. LICHTMAN: Your Honor, that was the first I
16 heard about it, that's why I didn't address it when we
17 first, when I first started speaking. Obviously, first of
18 all, the computers have all been seized. Secondly, no new
19 computers --

20 THE COURT: There's no computer in the home?

21 MR. LICHTMAN: The computers in the home were
22 seized upon arrest from what I understand. No new computers
23 would be purchased. There would be no access to the
24 internet. The phones, if Your Honor would want the phones
25 to be monitored, we would agree to that. That takes away

1 nearly half of what was just said. In addition, any other
2 electronic monitoring that Your Honor deems is required we
3 would agree with.

4 So I don't know how you're going to be able to
5 claim with a straight face there are no conditions that
6 would reasonably assure the safety of the community because
7 of computers when computers are not going to be in the home.

8 If I can, Your Honor, just briefly, I don't want
9 to go on, but to bring up the Dreier and Madoff cases, I was
10 bringing them up on the issue of flight. The fact that they
11 weren't charged in a violent RICO case with extortion is of
12 no moment to what the point I was making. That was just on
13 the issue of flight.

14 So, Your Honor, with regard to Trincher, again,
15 what I would say, the reason why I brought that up is
16 because there was a specific, specific crime charged against
17 Trincher with extorting a specific person, and that was one
18 of the differences. We heard - he's not charged with any
19 specific person being extorted. He's charged with the
20 conspiracy. We even heard from the prosecutor, I don't have
21 the benefit of these zillions of tapes. Well, he's speaking
22 on the phone with the head of the organization and the
23 organization says I'm gonna do this, I'm gonna do that.
24 Well, we're still waiting to hear what is the allegation
25 what he specifically said.

1 I'm not saying that that doesn't put him into a
2 conspiracy. We're not arguing guilt or innocence now.
3 We're arguing whether there are conditions or any
4 combination of conditions which would reasonably assure the
5 safety of the community --

6 THE COURT: Okay.

7 MR. LICHTMAN: -- and they've come up with zero
8 now with two specific showings that they've tried to make.
9 It just doesn't exist. The fact are conditions exist. We
10 are willing to have the computers monitored. We're willing
11 to have the phone monitored. He's putting up all the homes
12 that the family lives in. Your Honor, I just don't think
13 with a straight face we can say that the dangerousness that
14 exists here exceeds the cases that I cited for danger, not
15 for risk of flight. It just doesn't exist.

16 THE COURT: Wait a minute, where does this
17 defendant live?

18 MR. LICHTMAN: He lives in Fort Lee, Your Honor.

19 THE COURT: He lives at the 900 Palisades Avenue
20 apart --

21 MR. LICHTMAN: Yes, Your Honor.

22 THE COURT: -- home?

23 MR. LICHTMAN: With his wife and two children.

24 THE COURT: And what is the 330 East 75th Street -

25 -

1 MR. LICHTMAN: Excuse me, Your Honor.

2 THE COURT: The 330 East 75th Street property,
3 that's not residential?

4 MR. GOLUBCHIK: It's residential. My wife use it
5 because it's close to my daughter's school.

6 MR. LICHTMAN: It's a residential property, Your
7 Honor, that he owns as well.

8 MR. GOLUBCHIK: It's close to my children, my
9 daughter's school.

10 MR. LICHTMAN: It's close to his daughter's
11 school where she goes which is why they have that apartment
12 there as well.

13 THE COURT: I did take the Government's point
14 that at least in the Pre-Trial Services report that's listed
15 as the address of defendant's employer and not listed as an
16 asset.

17 MR. LICHTMAN: It's actually a rental, Your
18 Honor, I just learned.

19 MR. NAFTALIS: Just to clarify, he owns another
20 apartment on East 76th Street which is not listed. So he
21 rents one on 75th but he owns one on 76th. So the 76th one is
22 the one that's not listed.

23 MR. LICHTMAN: Your Honor, I don't have any --

24 THE COURT: Let me ask a different question. For
25 Pre-Trial, GPS, what do you do and not do these days with

1 GPS monitoring? Is that something that you've been doing?
2 I can't recall.

3 PRE-TRIAL SERVICES AGENT: Yes, we're doing GPS,
4 Your Honor. But he would probably be supervised by the New
5 Jersey office, and I believe that they do GPS as well.

6 THE COURT: All right, and telephone monitoring,
7 that's not something that you'd like to undertake.

8 PRE-TRIAL SERVICES AGENT: No, we don't do that.

9 THE COURT: So what do you do, if anything, if
10 there is concern that a person may be engaging in unlawful
11 activity by using a phone in their residence? Are there any
12 conditions you recommend?

13 PRE-TRIAL SERVICES AGENT: We have no way of
14 monitoring that.

15 THE COURT: Does the Government sometimes do
16 that? Sometimes set up monitoring like with knowledge to
17 the defendant?

18 MR. NAFTALIS: I don't know --

19 THE COURT: You don't know what they --

20 (interposing)

21 MR. NAFTALIS: -- wiretapping. (inaudible)

22 MR. LICHTMAN: Your Honor, if I can, I've been
23 involved in numerous cases in which the Government has
24 monitored phone calls. So I don't know if it's run through
25 Pre-Trial Services, I wasn't aware, but I can tell you there

1 are cases in which the Government has the ability to monitor

2 --

3 THE COURT: Yeah, it was my understanding Pre-
4 Trial wouldn't do that. So if that is something to be done,
5 it wouldn't be a condition set up and supervised by Pre-
6 Trial. That would be something where consent would be given
7 to the Government to monitor it if the Government wished to
8 do so.

9 MR. LICHTMAN: Which we would agree to.

10 THE COURT: If the defendant owns a property on
11 76th Street, do you have an understanding of what the value
12 of that property is?

13 MR. LICHTMAN: About \$5 million, Your Honor.

14 THE COURT: Clear of?

15 MR. LICHTMAN: No mortgage, Your Honor.

16 THE COURT: Well, I may have some
17 misrepresentations by the defendant then with respect to his
18 net worth as that would essentially triple, adding that in
19 would essentially triple the value that he set forward, just
20 that alone, which gives me some pause. I mean you make a
21 persuasive argument that conditions may be possible here,
22 but I'm concerned that what sounds substantial, \$3 million
23 and two homes --

24 MR. LICHTMAN: Your Honor, that property has been
25 frozen.

1 THE COURT: Which property, the 76th Street?

2 MR. LICHTMAN: The property at 76th Street from
3 what I understand has been frozen pursuant to an order,
4 along with the properties in Florida have also been frozen.
5 The Sunny Isle of Florida vacation home, that's been frozen.
6 The only property that has not been frozen by the Government
7 right now is alleged to be direct proceeds is the home in
8 Fort Lee.

9 THE COURT: So the only one available to use as
10 security would be the one in Fort Lee plus the relative's
11 home?

12 MR. LICHTMAN: The one in Fort Lee which I think
13 the asset value is incorrect, from what I've been told. In
14 addition, the home where the mother-in-law lives as well.

15 THE COURT: What do you think the asset value is
16 of the home in Fort Lee?

17 MR. LICHTMAN: 1.7, and the property in Brooklyn
18 is 400,000. And we've also got the four cosigners. I'm
19 willing to up the amount of the bond which would lock in the
20 cosigners as well for that higher amount.

21 THE COURT: You're willing to up it to what?

22 MR. LICHTMAN: Ten million?

23 THE COURT: Well, all right, I have a lot of
24 things on the calendar today, so I think I need to bring
25 this to an end. Both counsel are right that sometimes the

1 court has released people with substantial assets and ties
2 to other countries, with stringent conditions generally, and
3 sometimes the court has not. I mean just because someone
4 has a lot of money and a lot of contact to other
5 jurisdictions doesn't necessarily mean that conditions
6 cannot be set if they are sufficiently stringent, and I
7 think that defendant's counsel was pretty persuasive here
8 that conditions can be set. But I'm going to set conditions
9 that are very significant, and I'm going to require that all
10 conditions be satisfied prior to release.

11 If defendant is willing to have a \$10 million bond
12 and if defendant thinks that he can get cosigners for that,
13 I'm going to go for that. It seems that with the potential
14 underreporting of assets, erring on the side of a higher
15 bond is sensible.

16 MR. NAFTALIS: Not to revisit it, but in addition
17 to not disclosing his home, he has substantial real estate
18 assets which is (inaudible) not disclosed either.

19 THE COURT: Ten million dollar bond with
20 cosigners seems to me quite substantial. Given the amount
21 of this bond, we're going to have five cosigners, secured
22 by, I can either do it by a dollar amount of equity in
23 property or I can list particular properties.

24 MR. LICHTMAN: (inaudible)

25 THE COURT: In terms of security, for property I

1 can either say secured by at least X amount in equity or I
2 can say secured by particular properties.

3 MR. LICHTMAN: I would ask that the two different
4 properties, Your Honor.

5 THE COURT: All right, give me the two addresses
6 again, 900 Palisades Avenue is one?

7 MR. LICHTMAN: 900 Palisades Avenue in Fort Lee,
8 New Jersey.

9 MALE: It's 100 Ocean Drive West in Brooklyn, New
10 York.

11 MR. LICHTMAN: It's 100 Ocean Drive West in
12 Brooklyn.

13 THE COURT: All right, I'm going to indicate home
14 detention, I'm sorry, home incarceration rather. That's
15 lockdown. Home incarceration with electronic monitoring and
16 GPS. I'm going to indicate strict Pre-Trial supervision.
17 You said passports were already surrendered. You may not
18 apply for any new passport at this time. To the extent that
19 there's any reason to leave the residence, that would be
20 only with permission of Pre-Trial Services and only to the
21 Southern and Eastern Districts of New York and the District
22 of New Jersey, assuming that that is where you are staying.
23 But this is not - home detention is you can leave to go to
24 work and otherwise your home. This is your home and nowhere
25 else, except with specific notice to and permission of Pre-

1 Trial Services.

2 MR. LICHTMAN: Does that include medical and
3 legal visits, Your Honor?

4 THE COURT: Well, I think Pre-Trial Services can
5 be notified. Whatever goes along with home incarceration,
6 how does that generally work?

7 PRE-TRIAL SERVICES AGENT: Yeah, he would be
8 allowed out, after confirmation, he would be able to --

9 THE COURT: For a lawyer visit or a medical
10 visit?

11 PRE-TRIAL SERVICES AGENT: For (inaudible) and for
12 medical.

13 THE COURT: But you need confirmation, Pre-Trial
14 Services needs confirmation as to what's happening.

15 PRE-TRIAL SERVICES AGENT: Correct.

16 THE COURT: All right.

17 PRE-TRIAL SERVICES AGENT: Your Honor, could you
18 also travels to New Jersey since --

19 THE COURT: I did say New Jersey. I'm just
20 taking a look for a moment at my notes. My understanding is
21 there are no computers currently in the home, that would
22 include not just a laptop computer or a tablet, blackberry,
23 things that are, you know, things that have computing
24 capability. If that's not correct, I'd kind of like to know
25 what there is so we know what kind of access there is.

1 Computers can be small and computers can be large.

2 MR. LICHTMAN: That's a good point, Your Honor.

3 Would that ostensibly include like a smart phone if a son
4 who lives in the home, all their phones would --

5 THE COURT: Well, would everyone who lives in
6 that home be willing to, on a voluntary basis, have the
7 Government monitor calls if the Government wished to do so?

8 MR. LICHTMAN: Yeah, Judge, I think that's fine.

9 THE COURT: So no new computers without raising
10 it with the Government first and getting leave of court.

11 MR. LICHTMAN: And, Your Honor, if I can just to
12 sort of put it out there so I don't have to come back, I
13 don't know what the schooling situation is for the children.
14 So if there needs to be computers used for the kids, we
15 would obviously go to the Government first and give them
16 access to anything on that computer, the ability to search
17 that computer whenever needed. But I wouldn't obviously do
18 it until we went to the Government --

19 THE COURT: You said as far as you know all the
20 computers in that home have been seized?

21 MR. LICHTMAN: Correct.

22 THE COURT: All right, so the record will reflect
23 that. I'm saying no new computers without notice to the
24 Government and leave of court. So you can explain the
25 situation to counsel, you can write to the court, you can

1 write to me since I was the one who did the argument.
2 Remind if I say I should go to the duty person that I said
3 that. And investigate the situation with smart phones,
4 raise with the Government if you see any issue, get back to
5 me if you see any issue.

6 I'm indicating voluntary - I'm sorry - defendant
7 and family, based on your representations, consent to
8 Government monitoring of all phones in the home. If that's
9 not right, once again, please raise it.

10 MR. LICHTMAN: That's fine, Your Honor.

11 THE COURT: Pre-Trial Services recommends
12 prohibition from gambling. Now, if he's home, he's not
13 going anyplace with his gambling. If he's not online, he's
14 not gambling online. So I'm not sure that that is needed as
15 a condition. I'm not sure the issue here is really his
16 gambling as the Government has described it. So I'm not
17 going there.

18 All right, let me just say this to - yes.

19 PRE-TRIAL SERVICES AGENT: You also mentioned
20 too, I thought before you - that (inaudible).

21 THE COURT: I've got no computers. So without
22 computers how do I have the internet access? Should I say
23 specifically --

24 (interposing)

25 PRE-TRIAL SERVICES AGENT: Well, I was thinking

1 that's, you know, I'm not saying that this is something that
2 this defendant would do, but you say no new computers, it's
3 really hard for us to actually monitor that condition if,
4 you know, (inaudible) --

5 THE COURT: What would you suggest?

6 PRE-TRIAL SERVICES AGENT: -- nowadays.

7 THE COURT: Right, what would you suggest for
8 language? No internet access?

9 PRE-TRIAL SERVICES AGENT: (inaudible)

10 MR. NAFTALIS: Your Honor, on the monitoring, as
11 you might imagine, this is a massive --

12 THE COURT: Hang on just one second. No internet
13 access in residence, again, without notice - the reason I'm
14 putting in without notice to Government and leave of court
15 is there may be other people in the home, including
16 children, who have school assignments or something. It may
17 be easy enough to deal with if they go to a library or
18 something, but they may have computers even issued by
19 schools, who knows. So just raise it with each other if
20 there is an issue and see what you can come up with.

21 With respect to monitoring, I'm not requiring
22 phone monitoring. What I'm saying is that if the Government
23 wants to take that step given his professed importance in
24 this activity and his leadership role that you've described
25 in this activity, that from what I understand from

1 defendant's counsel, there is permission for you to arrange
2 for monitoring of these phones if you wish to do so.

3 MR. NAFTALIS: Is he allowed to use the phone and
4 allowed to use the computer but we have to monitor it
5 because --

6 THE COURT: Well, I don't have - as far as I
7 know, there's no computer.

8 MR. NAFTALIS: Okay, but --

9 THE COURT: So we're talking about a phone.

10 MR. NAFTALIS: -- that he should be directed not
11 to use a computer and no phones because the burden on the
12 FBI to monitor all these phones and computers is a mess --

13 THE COURT: Well, I'm not sure that I can
14 prohibit him from ever using a phone. If there's an
15 emergency, medical situations, something else, I mean phones
16 can be people's lifelines. I don't want to say he cannot
17 touch a phone. I already have a situation where I'm being
18 told there are no computers in the home and no new computers
19 will be introduced into the home without it being raised and
20 discussed and brought back to me.

21 But what I'm saying is that there may be other
22 people in that home who have phones, who have cell phones,
23 and you may decide that it's not worth pursuing or you may
24 decide that it is, in excess of caution, to check in now and
25 then and see what's going on on those phones. What I'm

1 saying is that as I understand it the family lives there are
2 giving voluntary consent to having the Government check in
3 on their phones if you wish to do that.

4 Now - all right.

5 MR. NAFTALIS: But he shouldn't be using - my
6 point is the fact they're allowed, potentially he's allowed
7 to use them. Like if he uses the kids' computers, that sort
8 of obviates the whole - because then we have - does that
9 mean --

10 THE COURT: Well, I can certainly direct that to
11 the extent that the defendant is permitted to use a phone,
12 it should be only one phone, and he shouldn't be permitted
13 to use his kids' phone, wife's phone, his mother's phones,
14 other people's phones. If he does, that's a violation. But
15 I don't want to deprive him entirely of the ability to make
16 a phone call.

17 MR. LICHTMAN: Could I make this easier, Judge?

18 THE COURT: Yeah.

19 MR. LICHTMAN: I think what makes sense is that
20 there would be one phone for his use, that he's allowed to
21 use, and that would be the phone that can be monitored, you
22 can direct the Government that would be the one that he'd be
23 using. Other phones in the apartment, we've agreed to have
24 them monitored, but he'll only use the one phone.

25 THE COURT: Right, that's what I was just saying,

1 which was that, look, if he has a family in the home who has
2 a separate phone, the Government, Pre-Trial Services can't
3 have eyes on him all the time to know that he didn't say to
4 the family member, hey, let me borrow your phone. Right?
5 So if the Government wishes to monitor those other phones on
6 a random basis to make sure that he's not using them full-
7 time basis, random basis, anything the Government wished to
8 do, I understand that there is consent by these other family
9 members to let the Government do that.

10 But I'll set the condition that there be only one
11 phone that defendant is supposed to use, to the extent he's
12 using his phone, that he's giving consent for that one to be
13 monitored too if the Government wishes, and it would be a
14 violation of his conditions for him to be using anyone
15 else's phone. So if he gets caught using someone else's
16 phone, it's not only the Government says, uh oh, this is
17 what's going on, but it's a violation of the conditions.

18 MR. LICHTMAN: Understood.

19 THE COURT: Okay? Okay, so here's what I've
20 written, in addition to GPS monitoring, no new computers
21 without notice to Government and leave of court. Defendant
22 and family consent to Government monitoring of all phones in
23 home. No internet access in residence without notice to
24 Government and leave of court. Defendant to use only one
25 designated phone to the extent he needs to use a phone. All

1 right?

2 MR. NAFTALIS: That's fine, Judge.

3 THE COURT: All right, Mr. --

4 PRE-TRIAL SERVICES AGENT: Your Honor, just to
5 clarify.

6 THE COURT: Yes.

7 PRE-TRIAL SERVICES AGENT: Is Pre-Trial
8 (inaudible) the internet access we ask that be removed from
9 the house or --

10 THE COURT: I'm indicating no internet access in
11 the residence. There should be no internet access in the
12 residence.

13 PRE-TRIAL SERVICES AGENT: So we could get a
14 letter from like Time Warner or from whoever his internet
15 provider is stating that the internet is no longer at the
16 house? Because that's usually what we do. I mean we get
17 letters from the phone companies, you know, advising that
18 there's no internet access or it's removed, you know,
19 there's documentation --

20 THE COURT: Okay.

21 PRE-TRIAL SERVICES AGENT: Is that what --

22 THE COURT: Yes, you would agree to that?

23 MR. LICHTMAN: Yes, Judge. The only thing that I
24 would say is that, again, with regard to the children --

25 THE COURT: Again, if there's something that you

1 want to set up or have or there's some exception, you let
2 the Government know.

3 MR. LICHTMAN: And, of course, we would agree to
4 monitoring of that device to be used by the children or by
5 the wife perhaps we would agree --

6 THE COURT: Right now there's none. Right now --

7 MR. LICHTMAN: Understood.

8 THE COURT: All right, the goal is that there
9 isn't any. If there's some exception to be made for that
10 for some reasonable purpose, you raise it with the
11 Government, you set forth what you're talking about, you set
12 forth what you think a reasonable condition would be. Right
13 now we're talking about none in the house --

14 MR. LICHTMAN: Understood.

15 THE COURT: -- and, as Pre-Trial says, with some
16 confirmation that if it's there, it's been removed, the
17 access is removed.

18 MR. LICHTMAN: That's fine.

19 THE COURT: All right?

20 MR. LICHTMAN: Yes. Your Honor, would you want
21 that letter before he's released?

22 THE COURT: All conditions to be satisfied, so
23 all confirmation that needs to be done prior to release.

24 MR. LICHTMAN: Fine.

25 THE COURT: If you think for some reason this

1 oversteps what I'm permitted to do in setting conditions
2 under some case law, bring it to my attention.

3 MR. LICHTMAN: Fine, Your Honor.

4 THE COURT: All right, Mr. Golubchik, if I have
5 your name more or less correct.

6 MR. GOLUBCHIK: Yes.

7 THE COURT: Let me just caution you that I'm
8 setting these conditions, they're very stringent conditions
9 for you and they affect your family as well. Assuming you
10 meet these conditions, you have to live by them. If you do
11 not stay in your home, you know, do not follow Pre-Trial
12 Services directives, are found violating these conditions of
13 release, the situation will get worse than it is now for
14 you, undoubtedly so. Certainly, if you do not stay where
15 you're supposed to, you can be charged with jumping bail and
16 you can face that as a separate crime, and it can be
17 prosecuted even if these other charges were to be dismissed.
18 Do you understand that?

19 MR. GOLUBCHIK: Yes, I understand, you know.

20 THE COURT: You also understand if you don't
21 appear when you're supposed to in court, you and whoever
22 cosigns this bond with you can be responsible for the full
23 amount of that bond.

24 MR. GOLUBCHIK: Yes, I understand, Your Honor.

25 THE COURT: All right. Anything further?

1 MR. LICHTMAN: Nothing from us, Your Honor.

2 THE COURT: Okay. Thank you both.

3 (off the record)

4 (Whereupon the above matter is adjourned.)

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C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the United States District Court, Southern District of New York, United States of America v. Tokhtakhounov, et al., Docket #13cr268, was prepared using digital electronic transcription equipment and is a true and accurate record of the proceedings.

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Signature_____

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Date: April 25, 2013

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